

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|------------------------------|---|----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | No. 09 CR 383-3 |
| |) | |
| v. |) | |
| |) | Judge Ruben Castillo |
| |) | |
| JESUS VICENTE ZAMBADA-NIEBLA |) | |

**MOTION TO COMPEL THE GOVERNMENT TO COMPLY WITH THE
COURT’S ORDER ISSUED ON AUGUST 3, 2011**

Defendant, Jesus Vicente Zambada-Niebla, through his counsel of record, hereby moves this Court for an Order directing the Government to comply with the Court’s Order of August 3, 2011, directing the Government to provide all *Brady/Giglio* evidence to defense counsel by September 6, 2011.

STATEMENT OF FACTS AND ARGUMENT

On August 3, 2011, the Court ordered the Government to comply and provide exculpatory evidence to the defense “within the confines of *Brady, Giglio*, and its progeny as has been defined by Seventh Circuit law” by September 6, 2011 (See Page 9 RT, 8/3/2011). The Government did not appeal that Order and did not comply with that Order. Not only did the Government ignore the Court’s Order, but in its response to the defendant’s motion for the production of exculpatory evidence, the Government continued to argue that it did not have to produce *Giglio* material until seven days before trial, in direct contradiction to the Court’s Order. Therefore, it is respectfully requested that the Court grant defendant’s motion to compel the Government to comply with the Court’s Order of August 3, 2011 and provide the ordered *Brady/Giglio* material to the defense forthwith.

CONCLUSION

Based upon the information submitted to this Court in this motion, it is hereby requested that the Court compel the Government to comply with its previously entered Order of August 3, 2011 and provide all *Brady/Giglio* exculpatory evidence forthwith.

Respectfully Submitted,

Dated: September 27, 2011

/s/ Alvin S. Michaelson
ALVIN S. MICHAELSON
1901 Avenue of the Stars
Suite 615
Los Angeles, California 90067
alvinmlaw@gmail.com
(310) 278-4984

CERTIFICATE OF SERVICE

The undersigned counsel for defendant Vicente Jesus Zambada-Niebla certifies in accordance with Fed. R. Crim P. 49, Fed. R. Civ. P. 5, LR 5.5 and the General Order on Electronic Case Filing (ECF), the attached Motion for In Camera Inspection of Probation and Pretrial Services Files and Incorporated Memorandum of Law was, on September 27, 2011, filed and served pursuant to the district court's ECF system as to ECF filers:

Thomas D. Shakeshaft
Assistant U.S. Attorney
United States Attorney's Office, N.D. Ill.
219 S. Dearborn Street
Chicago, IL 60604
Counsel for the Government

Gal Pissetzky
Pissetzky & Berliner
53 West Jackson Boulevard
Suite 1403
Chicago, IL 60604
(312) 566-9900
Email: gpissetzky@comcast.net
Counsel for Tomas Arevalo-Renteria

/s/ Alvin S. Michaelson
ALVIN S. MICHAELSON
1901 Avenue of the Stars
Suite 615
Los Angeles, California 90067
alvinmlaw@gmail.com
(310) 278-4984